

United States District Court
for
Southern District of Ohio
Report on Offender Under Supervision

Name of Offender: **Roger Kent Berry** Case Number: **1:02-CR-00004-01**

Name of Sentencing Judicial Officer: **The Honorable S. Arthur Spiegel**
Senior United States District Court Judge

Date of Original Sentence: **May 23, 2002**

Original Offense: **Bank Robbery**

Original Sentence: **70 months prison, 36 months supervised release, substance abuse program**

8-21-07: Supervised Release violation warrant issued

Type of Supervision: **Supervised Release** Date Supervision Commenced: **May 26, 2007**

NON-COMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
#1	The defendant is alleged to have violated the standard condition of supervision "to not commit another federal, state, or local crime," in that on August 20, 2007, Roger Berry was arrested by Dayton Police Department and charged with Breaking and Entering and Possession of Criminal Tools.

On August 20, 2007, at approximately 1:30 a.m., Dayton Police officers were dispatched to the Cornell Wood Apartment Complex in Dayton, Ohio, on report of a Burglary in progress. The defendant, Roger Berry, and William Wright, were arrested at Apartment #3702 without incident. Further investigation revealed the defendants were attempting to cut out copper pipe using a hacksaw and crowbar from an abandoned apartment in the complex. Mr. Berry told the arresting officers he was not attempting to steal copper tubing, but was just looking for housing for the night.

Mr. Berry and the co-defendant were transported to the Montgomery County Jail and booked. Mr. Berry appeared for Arraignment in Dayton Municipal Court (case #07-CRA-12583) on August 20, 2007, and a \$7,500.00 blanket bond was set. The Preliminary Hearing took place on August 23, 2007, at which time the case was bound over to the Montgomery County, Ohio, Court of Common Pleas under case #07-CR-03422(2). No Grand Jury date has been set as of the writing of this report.

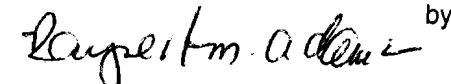
As the Court may recall, a Supervised Release Violation warrant was filed in the Federal Case on August 21, 2007. The probation officer contacted the U.S. Marshal Service on August 27, 2007, and the warrant was issued to the Montgomery County Jail to be lodged as a detainer.

U.S. Probation Officer Action: It is recommended that no further Court action be taken at this time. The probation officer will continue to monitor the pending charges through the Montgomery County Court of Common Pleas, and update the Court accordingly. In the event of a conviction, the pending petition 12C which was filed on August 21, 2007, will be amended to include the adjudicated charges. Following the defendant's release on the State case, it is recommended that Mr. Berry appear and show cause before Your Honor at that time. If the Court has any questions, or would like the probation officer to take an alternate measure, please contact the undersigned at (937) 512-1475.

Respectfully submitted,

Approved,

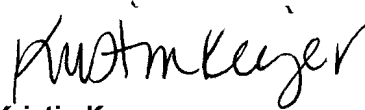
by

**Raynell M. Adams**

U. S. Probation Officer

Date: **August 30, 2007**

by

**Kristin Keyer**

Senior U. S. Probation Officer

Date: **August 30, 2007**

-
- ☒ I concur with the recommendation of the Probation Officer
☐ Submit a Request for Modifying the Condition or Term of Supervision
☐ Submit a Request for Warrant or Summons


Signature of Judicial OfficerDate 9/6/07